

## **REMARKS**

### **Amendments**

#### ***Revisions to the Title***

The Examiner stated that the originally submitted title of the invention is non-descriptive, and required a new title. Accordingly, Applicant has revised the title to read -- Remote Management of Network Device Resources --

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, Applicant claims performing resource management on a remote device coupled to a home network. No new matter has been added as a result of these amendments.

### **Objections**

#### ***Objections to the Claims***

The Examiner objected to claims 11-16, 18-27, 29-36 and 38-43 as containing informalities. Applicant has corrected the informalities and respectfully requests the withdrawal of the objection. Applicant further respectfully submits that no new issues are raised by the corrections.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(e)***

#### **Claims 1-3, 9, 28-30 and 36**

Claims 1-3, 9, 28-30 and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Pan, U.S. Patent No. 6,775,701. Applicant does not admit that Pan is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that claims 1-3, 9, 28-30 and 36 are not anticipated by Pan.

Pan discloses reserving network bandwidth on a network, such as the Internet, based on the historical usage of the bandwidth. The reservation system may oversubscribe the bandwidth available on the network using risk parameters. If the historical usage is low, then the risk parameter is high. Conversely, if the historical usage is high, then the risk parameter is low.

Applicant respectfully submits that Pan does not teach or suggest each and every limitation of Applicant's claims. In claims 1 and 28, Applicant claims performing a resource management operation on a remote device coupled to a home network. In contrast, Pan only discloses reserving bandwidth on a differentiated services network, such as the Internet. Because Pan does not disclose a home network, Pan cannot teach or suggest performing a resource management operation on a remote device coupled to a home network as claimed. Therefore, Pan cannot properly interpreted as anticipating Applicant's invention as claimed in claims 1 and 28 and the claims 2, 3, 9, 29, 30 and 36 that depend on them. Accordingly, Applicant respectfully submits that the invention claimed in claims 1-3, 9, 28-30 and 36 is not anticipated by Pan under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

### ***Rejections under 35 U.S.C. § 103***

#### **Claims 10-11, 14-18, 23-27, 37-38 and 41-43**

Claims 10-11, 14-18, 23-27, 37-38 and 41-43 stand rejected under 35 U.S.C. § 103(a) as being obvious over Pan. Because the single reference does not teach the invention as claimed in claims 10-11, 14-18, 23-27, 37-38 and 41-43, Applicant assumes the Examiner is taking Official Notice of the missing elements.

As to claims 10-11, 14-18, 23-27, 37-38 and 41-43, the Examiner admits that Pan does not disclose a remote service provider and takes Official Notice to disclose this element. Applicant respectfully challenges the Examiner's Official Notice of a "remote service provider" as recited in these claims and requests a prior art citation.

Applicant respectfully submits that Pan does not support a *prima facie* case of obviousness because the combination of Pan and Examiner's Official Notice does not teach or suggest each and every limitation of Applicant's claims. In claims 10, 17, and 37, Applicant claims performing a resource management operation on a remote device

coupled to a home network. But neither Pan nor Examiner's Official Notice teach or suggest performing a resource management operation on a remote device coupled to a home network. Therefore, Pan and Examiner's Official Notice cannot be properly interpreted as rendering obvious claims 10, 17, and 37 and claims 11, 14-16, 18, 23-27, 38, and 41-43 that depend from them. Accordingly, Applicant respectfully submits that claims 10-11, 14-18, 23-27, 37-38 and 41-43 are not rendered obvious by Pan and respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a).

**Claims 4-8, 12-13, 19-22, 31-35 and 39-40**

Claims 4-8, 12-13, 19-22, 31-35 and 39-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Pan in view of Husain, et. al., U.S. Patent Publication No. 2003/0126260. Husain qualifies as prior art only under 35 U.S.C. § 102(e) because it published after Applicant's effective filing date.

Husain discloses managing resources on a cluster of networked computers with a distributed resource manager. The distributed resource manager executes on two or more computers to collect and evaluate information relating to computer resource usage, performance, status, and/or load. The manager uses the information to manage the computer resources across the computer cluster.

Applicant respectfully submits that the combination of Pan and Husain does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's claims 4-8, 12-13, 19-22, 31-35 and 39-40. Claims 4-8, 12-13, 19-22, 31-35 and 39-40 depend from claims 1, 10, 17, 28, and 37. Independent claims 1, 10, 17, 28, and 37, as amended, recite performing a resource management operation on a remote device coupled to a home network. As discussed above, Pan does not disclose or suggest a home network. Neither does Husain. Therefore, the combination does not disclose each and every independent claim limitation. Accordingly, the combination of Pan and Husain cannot render obvious Applicant's dependent claims 7, 8, 11, 13-25, 27, 28, 35 and 36, and Applicant respectfully requests this § 103(a) rejection be withdrawn.

### **SUMMARY**

Claims 1-43 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

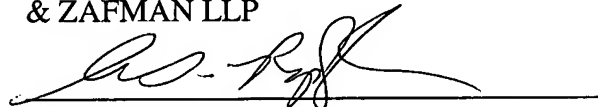
If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP



Eric S. Replogle  
Registration No. 52,161

Dated: May 18, 2005

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300